

Federal Energy Policy Act of 2005

Excerpt

...TITLE I--ENERGY EFFICIENCY

SEC. 1342. CREDIT FOR INSTALLATION OF ALTERNATIVE FUELING STATIONS

(a) In General- Subpart B of part IV of subchapter A of chapter 1 (relating to other credits), as amended by this Act, is amended by adding at the end the following new section:

`SEC. 30C. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

`(a) **Credit Allowed-** There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year.

`(b) **Limitation-** The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed--

`(1) \$30,000 in the case of a property of a character subject to an allowance for depreciation, and

`(2) \$1,000 in any other case.

`(c) Qualified Alternative Fuel Vehicle Refueling Property-

`(1) IN GENERAL- Except as provided in paragraph (2), the term `qualified alternative fuel vehicle refueling property' has the meaning given to such term by section 179A(d), but only with respect to any fuel--

`(A) at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen, or

`(B) any mixture of biodiesel (as defined in section 40A(d)(1)) and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

`(2) RESIDENTIAL PROPERTY- In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

`(d) Application With Other Credits-

`(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT- So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

`(2) PERSONAL CREDIT- The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of--

 `(A) the regular tax reduced by the sum of the credits allowable under subpart A and sections 27, 30, and 30B, over

 `(B) the tentative minimum tax for the taxable year.

`(e) Special Rules- For purposes of this section—

`(1) BASIS REDUCTION- The basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

`(2) PROPERTY USED BY TAX-EXEMPT ENTITY- In the case of any qualified alternative fuel vehicle refueling property the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such property to the person or entity using such property shall be treated as the taxpayer that placed such property in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such property (determined without regard to subsection (d)).

`(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED- No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

`(4) ELECTION NOT TO TAKE CREDIT- No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

`(5) RECAPTURE RULES- Rules similar to the rules of section 179A(e)(4) shall apply.

`(f) Regulations- The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

`(g) Termination- This section shall not apply to any property placed in service--

`(1) in the case of property relating to hydrogen, after December 31, 2014, and

`(2) in the case of any other property, after December 31, 2009.'.

(b) Conforming Amendments-

(1) Section 38(b), as amended by this Act, is amended by striking `plus' at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting `, and', and by adding at the end the following new paragraph:

`(26) the portion of the alternative fuel vehicle refueling property credit to which section 30C(d)(1) applies.'

(2) Section 1016(a), as amended by this Act, is amended by striking `and' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting `, and', and by adding at the end the following new paragraph:

`(37) to the extent provided in section 30C(f).'

(3) Section 55(c)(2), as amended by this Act, is amended by inserting `30C(d)(2),' after `30B(g)(2).'

(4) Section 6501(m) is amended by inserting `30C(e)(5),' after `30B(h)(9).'

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

`Sec. 30C. Clean-fuel vehicle refueling property credit.'

(c) Effective Date- The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.